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No. 83-1776

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

M. W. ZACK METAL CO.,

Petitioner,

- against -

THE SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK, et al., etc.,

Respondents.

REPLY BRIEF TO THE BRIEF OF FEDERAL INSURANCE COMPANY, A RESPONDENT

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REPLY BRIEF TO THE BRIEF OF FEDERAL INSURANCE COMPANY, A RESPONDENT

The brief of respondent, FEDERAL INSURANCE COMPANY, states no reason why the Question Presented is not valid, nor why the reasons this writ should issue are incorrect. They do not even discuss them. Ignoring them is conceding the truth of the facts and the applicability of the law presented.

Nor are they entitled to have the past denial of the three petitions for certiorari by this Court considered as reasons for denying the writ. Obviously, "not certworthy" does not mean "no merits". Nor is the "hit and run" tactic employed by them, a lawful denial of the petitioner's effort to state "The Case". In the context, the quoted materials are valid expressions of the facts intended to be expressed.

They quote Judge Meskill, which

they have done many, many times in the lower courts, doing so continuously, not to prove a point, but to mislead those courts into accepting that the quoted portion is proof of Judge Meskill's impatience with appellant's counsel, for a reason that is not a true fact; see the petition, 103 S.Ct. 449 (1982).

Nothing presented by the brief is a valid reason for this Court not to review the petition on its own merits. What petitioner has tried to do is to present an unbroken line of unconstitutional decisions below, for proof of unconstitutional violations; but for proof of certworthiness he shows that those decisions were criminally induced by a particular law assistant, whose identity would not be revealed by the Court, though demanded, for "policy" reasons rather than on the merits. Also, when, in cooperating

with the District Attorney of New York County, petitioner sought in 1982 to examine in discovery a defendant suspected of passing consideration for obstruction of justice, but that defendant has been litigating that question all of the time up to the present and is continuing to litigate the issue to avoid discovery, shouldn't this Court enter this alleged conflict on the side of the constitutional rights which are in the balance?

Petitioner has come to this honorable Court in the hope that it would right these unconstitutional actions, just as it did in Schware v. Board of Bar Examiners of New Mexico, 353 U.S. 232, where Mr. Schware's rights were vindicated after many rebuffs in State proceedings, spanning over four years.

WHEREFORE, certiorari should be

granted.

Dated: New York, New York
June 13, 1984.

Respectfully submitted,

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